

# Ohio Senate considers bipartisan oil refinery safety bill that split House GOP

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COLUMBUS, Ohio – The state Senate began its review Wednesday of House-passed legislation raising training standards and establishing an English proficiency requirement for workers at three of Ohio's four oil refineries.

House backers of the legislation say they hope it will prevent an incident like the [September 2022 explosion](#) at the Cenovus Energy refinery outside Toledo that killed two brothers who worked there. Federal labor investigators said in a preliminary report that "training deficiencies" and management failures contributed to that explosion, but a chemical safety board's probe is ongoing.

The bill's opponents – namely Cenovus, which owns two of Ohio's refineries, Marathon Petroleum, which owns a refinery that's exempt from the legislation, plus business groups and industry trade associations – insist the bill is a means of "forced unionization" because trade unions are best positioned to offer the requisite apprenticeship and 30-hour certification programs. They say the policy would stop the facilities from hiring workers they feel are best suited for the job.

"These changes have nothing to do with improving safety," said Cenovus' interim regional vice president of U.S. operations Claudio Ingaramo to House lawmakers. "Instead, they are designed to take hiring decisions out of our hands and put them in the hands of a few union bosses."

However, all parties generally acknowledge that nonunion training options are available.

By 2025, under the bill, at least 80% of refinery contract construction workers would need to graduate from a registered apprenticeship program. The other 20% can skip it if they have at least 6,000 hours of experience. All would need to go through a 30-hour training program. The bill offers exemptions for emergencies and refineries producing less than 120,000 barrels of crude oil per day (like Marathon's Canton facility).

Joining the opponent coalition is Americans for Prosperity, an anti-regulation think tank founded by oil industry heirs and funded by wealthy anonymous donors. It has announced a \$200,000 advocacy campaign to pressure lawmakers to stop the proposal.

Support for House Bill 205 comes from the Affiliated Construction Trades of Ohio (ACT Ohio) union and PBF Energy, which owns a refinery near Toledo that would be subject to the bill. They say at the crux of the issue are “turnarounds” – brief closures where refineries perform maintenance and repairs. Operators lose millions of dollars per day when facilities are idled, which pressures companies to import thousands of workers to finish the job as fast as possible. Workers at the Cenovus refinery had finished a turnaround in early August, not long before the September 20, 2022 explosion, according to a [financial statement](#) from the company.

Matt Szollosi, executive director of ACT Ohio, said higher training standards, whether provided by unions or not, reduce the likelihood of industrial accidents. During a hearing this summer, he read to lawmakers his testimony from a [prior version of the legislation](#) that pre-dated the Toledo refinery explosion. It warned of risks inherent in facilities like oil refineries and the likelihood of injurious explosions.

“Of course, that was before the explosion in Toledo,” he said to lawmakers. “We don’t see it getting better.”

Josh Williams, a Toledo area Republican whose district includes both a Cenovus and a PBF refinery, said in an interview that he doesn’t support forced unionization nor does the bill create such a dynamic. He framed the training as a reasonable demand of a critical industry after a lethal accident.

“There’s houses right next door to the refinery,” he said.

The bill also requires that workers demonstrate “proficiency in spoken English,” although it doesn’t spell out how that’s assessed. Proponents of the bill say it’s a safety measure – large teams at large and hazardous facilities need to be able to communicate clearly and effectively in emergency situations, sometimes via radio.

However, some of their rhetoric has taken on a nativist verve. Lead sponsoring Rep. DJ Swearingen, a Huron Republican, told lawmakers that that “with the border being what it is,” he wants to ensure staff can communicate proficiently. He and fellow lead sponsoring Rep. Phil Plummer, a Dayton Republican, have made references to “out of state” or “Gulf Coast” or “illegal worker” labor, plus an “open border.”

Ingaramo, who identified himself as a first-generation Argentinian and non-native English speaker, questioned how proficiency would be assessed and accused the sponsors of dog-whistle politics.

“References to ‘Gulf Coast’ and ‘Texas workers’ in sponsor testimony, in particular to workers from the deep South, are nothing but anti-Hispanic and anti-Latin American rhetoric,” he said.

On the House floor, the bill sailed through with broad, bipartisan support, passing 64-30. Supportive Democrats and Republicans touted it as a bill to improve safety conditions for workers at inherently dangerous sites.

All but a few of the 30 no-votes came from Republicans who opposed naming Lawrence County Republican Jason Stephens as Speaker of the House. Stephens [came to power as something of an insurgent via a coalition](#) of all 32 House Democrats and 22 (of 67) House Republicans, and backing from organized labor. Since the House Bill 205 vote, Americans for Prosperity has been taking out ads targeting its GOP backers, according to the organization's state director Donovan O'Neil.

He raised two general issues with the policy. For one, it's a "government mandate" telling a private business how to operate, he said. For two, it's likely to benefit a union like ACT Ohio, which he said will probably profit off performing the bulk of the training required under the bill.

AFP's campaign, he said, will specifically target members including GOP Reps. Sara Carruthers, Haraz Ghanbari and Swearingen, who not only supported the bill but whose campaigns have received financial support from unions. He said AFP's opposition is focused on the underlying policy, not leadership politics. While unions, especially in the construction trades, have grown increasingly supportive of Ohio Republicans, O'Neil described it as a fraying peace.

"There is no longer a truce," he said.

Ad disclosures on Facebook show Americans for Prosperity funded ads targeting lawmakers, all of whom supported both HB 205 and Stephens for Speaker: Reps. Tracy Richardson, Gail Pavliga, Cindy Abrams, and Carruthers.

"Tell Rep. Sara Carruthers raising energy costs hurts Ohio families," one ad [states](#). ACT Ohio declined to make any officials available for an interview.

In a statement, Cenovus said it employs hundreds of union and nonunion workers alike. The company said it's in the process of addressing the recommendations from federal investigators in response to the 2022 fire and stood by its opposition to the legislation.

"Cenovus is committed to safety as our top priority," the company said in an emailed statement. "By restricting our hiring choices, the mandates in HB205 would prohibit Ohio's refineries from hiring some of the most qualified industry contractors to work at our facilities."

The bill's fate in the Senate is unclear. The Senate held its first of several committee hearings on the bill Wednesday with little fanfare.

Senate President Matt Huffman, a Lima Republican, previously told the Toledo Blade he's "concerned about the lack of process in the House," given the bill was voted out of committee and passed on the floor in the same day. His spokesman didn't respond to a text message Wednesday.

The committee review comes at the one-year anniversary of the Toledo refinery explosion. There, just after 6 p.m., flammable liquid naphtha began to fill a fuel gas mix drum at the Toledo facility, leading to an overflow. (At the time, Cenovus shared ownership of the refinery with BP. It [finalized its deal to buy out BP](#) for \$370 million earlier this year.)

The U.S. Chemical Safety and Hazard Investigation Board has not yet released its final report on the investigation. However, the U.S. Department of Labor in March [released findings](#) that training deficiencies and process safety management procedures contributed to the fatal accident.

“This tragedy is a reminder of why employers must consistently reevaluate those procedures for accuracy and ensure workers are properly trained to respond in dangerous situations,” said Occupational Safety and Health Administration Area Director Todd Jensen in a statement on the release of the investigation.